

**FILED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

**OCT 19 2017**

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

TODD K. SPENCE,

Defendant.

**PO 17-5028-M-JCL**

CVB Violation Nos:

FBDW007W, FBDW007X,  
FBDW007Y, FBDW007Z,  
FBDW0080, FBDW008A  
FBDW008B

**JUDGMENT AND SENTENCE**

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On April 6, 2017, the parties appeared before the Court for Defendant Todd Spence's bench trial on the referenced violation notices. Having considered the evidence and testimony presented at trial the Court found Defendant not guilty of the offenses charged in violation notices FBDW007W (using a residence on National Forest System Lands) and FBDW008A (possession of food in violation of food storage order).

But the Court found Defendant guilty of the following offenses: (1) violation notice FBDW007X – constructing a structure on National Forest System Lands without authorization in violation of 36 C.F.R. § 261.10(a); (2) violation notice FBDW007Y – possession of a motor vehicle in violation of the Lolo National Forest Motor vehicle use map in violation of 36 C.F.R. § 261.13; (3)

violation notice FBDW007Z – possession of a motor vehicle in violation of the Lolo National Forest Motor vehicle use map in violation of of 36 C.F.R. § 261.13; (4) violation notice FBDW0080 – damaging any natural feature of the United States in violation of of 36 C.F.R. § 261.9(a); and (5) violation notice FBDW008B – violation of the Lolo National Forest Travel Management Map in violation of of 36 C.F.R. § 261.13.

On April 19, 2017, the Court conducted Defendant's sentencing hearing, and took the matter under advisement. Having considered the evidence and testimony presented at the sentencing hearing, IT IS HEREBY ORDERED as follows:

1. Defendant shall pay restitution calculated as follows:

a.	Total hours of labor for cleanup:	248.5
	Cost per hour utilizing GS-3 paygrade:	<u>\$12.64/hr.</u>
	Total Cleanup Costs:	\$3,141.04
b.	Other Costs:	\$1,353.36
c.	No Costs for Storage	_____
	Total Restitution Amount:	\$4,494.40

2. Defendant shall pay the total restitution amount in monthly payments of \$150 per month, or as otherwise directed by the Court.

3. The Court finds Defendant lacks the ability to pay a fine and, therefore, pursuant to the discretionary authority granted in 18 U.S.C. § 3571(a) the Court waives imposition of a fine.

4. Defendant shall pay a \$25 processing fee on each of the five convictions identified above.

5. Defendant shall serve a term of one year of supervised probation upon the following conditions:

- a. Defendant is prohibited, during the period of probation, from entering federal lands; and
- b. Defendant shall make his monthly restitution payments.

Defendant shall send his monthly payments to the following address:

United States District Court  
P.O. Box 8537  
Missoula, Montana 59807

The Clerk of Court is directed to disburse the restitution to the following restitution payee:

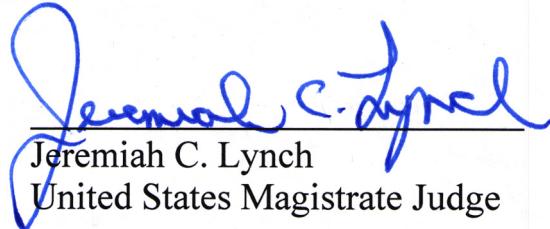
USDA Forest Service - ASC  
R&C - Debt Management  
Attn: Unit Collection Officer

101B Sun Ave. NE  
Albuquerque, NM 87109

To ensure proper credit, Defendant's payment should reference the case number identified above.

Defendant is advised that pursuant to Fed. R. Crim. P. 58(g)(2) he has a right to appeal this Judgment, and the sentence imposed by this Judgment, within 14 days of its entry. To appeal, Defendant must file a notice of appeal with the Clerk of Court at P.O. Box 8537, Missoula, Montana 59807. The notice of appeal must specify the judgment being appealed, and Defendant must serve a copy of the notice of appeal on the attorney for the government at 105 E. Pine St., Missoula, Montana 59802.

DATED this 19<sup>th</sup> day of October, 2017.

  
Jeremiah C. Lynch  
United States Magistrate Judge